

## Audio file

[1973-10-23 - 25 - E\\_Richdardson\\_Press\\_Conference.mp3](#)

## Transcript

00:00:01

Programs regularly scheduled for this time will not be seen today. In order that we might bring you the following, NBC News Special report here from Washington is NBC News correspondent Douglas Kicker.

00:00:14

Good morning. This is the Great Hall at the US Department of Justice here in Washington, where the former Attorney General, Elliot Richardson, is about to hold a press conference. It will be his first appearance since Richardson resigned last Saturday after refusing to fire the special Watergate prosecutor, Archibald Cox.

00:00:31

Has been a great deal of speculation as to what Richardson will have to say this morning. We only know that he will have a four page.

00:00:37

Statement to.

00:00:38

Read Richardson met with President Nixon for about 1/2 an hour yesterday at the White House, and after that meeting some White House sources told reporters they expect the former attorney general to take some of the pressure off the president with his statement today.

00:00:52

Richardson also is expected to make public some earlier correspondence between him and the president on the tape compromise. This press conference is only one of a number of things happening in Washington today because of this latest crisis, the House of

Representatives goes back in session this morning and the number one item of business there is to decide whether or not to start.

00:01:12

Impeachment proceedings against.

00:01:14

President.

00:01:15

Federal Judge John Sirica called 2 Watergate grand jurors into special session today told them that they are not dismissed and will not be dismissed until the court dismisses them, emphasizing the words until the court dismisses them. There's speculation that Judge Suika may also issue a contempt of court citation against the president.

00:01:35

Refusing to obey the appeals court orders to the surrender the tape, there are hundreds of Justice Department employees gathered here. Here is the former attorney general with his wife, Mrs. Richardson, accepting the applause of his former employees.

00:01:57

Thank you.

00:02:06

Thank you very much.

00:02:10

Thank you.

00:02:15

Thank you.

00:02:22

Go along the pause by the Justice Department employees.

00:02:29

Thanks very much.

00:02:40

Thank you very much.

00:02:43

Ladies and gentlemen.

00:02:48

Thank you.

00:02:50

Thank you.

00:02:53

This can only be considered a display of loyalty and affection by these men and.

00:02:57

Women.

00:02:57

OK.

00:02:58

There have been rumors and speculation of mass resignations at the Justice Department. Father, Mr. Richardson's special assistant will resign for the waffle houses. Special assistance will resign.

00:03:10

On speculation that the assistant Attorney general may, attorneys general may also resign with us in trying to stop the applause, but so far unsuccessfully, there is Mrs. Richardson and Mr. Ruckelshaus.

00:03:26

Thank you very much.

00:03:31

To your.

00:03:33

Heartwarming welcome.

00:03:37

First, let me say that as a private citizen, I'm grateful to the acting Attorney General, Mr. Robert Bork, for allowing me the use.

00:03:49

Of the hall.

00:03:54

Happy.

00:03:58

All of my friends in the Department of Justice.

00:04:04

Ladies and gentlemen of the press.

00:04:08

There can be.

00:04:11

No greater privilege.

00:04:13

And there is no greater satisfaction than the opportunity to serve one's country.

00:04:20

I shall always be grateful to President Nixon.

00:04:23

For giving me that opportunity and several demanding positions.

00:04:28

Although I strongly believe in the general purposes and priorities of his administration.

00:04:34

I have been compelled to conclude.

00:04:37

That I could better serve my country by resigning my public office.

00:04:42

Then by continuing in it, this is true for two reasons.

00:04:48

First, because to continue would have forced me to refuse to carry out a direct order of the President.

00:04:56

Second, because I did not agree with the decisions which brought about the necessity for the issuance of that order in order to make clear how this dilemma came about.

00:05:09

I wish to set forth as plainly as I can the facts of the unfolding drama which came to a climax last Saturday evening. To begin, I shall go back to Monday of last week, 2 courts.

00:05:26

The District Court and the Court of Appeals of the District of Columbia had ruled that the privilege protecting presidential communications must give way to the criminal process.

00:05:39

But only to the extent that a compelling necessity.

00:05:43

Had been shown.

00:05:45

The president had a right of further review in the Supreme Court of the United States.

00:05:50

He had a right, in other words, to try to persuade the Supreme Court that the long term public interest in maintaining the confidentiality of presidential communications is more important than the public interest in the prosecution of a particular criminal case, especially where other evidence is available.

00:06:10

Had he insisted on exercising that right, however.

00:06:14

The issue would have been subject to continuing litigation and controversy for a prolonged additional period, and this at a time of acute International Crisis.

00:06:25

Against this background.

00:06:28

The president decided on Monday afternoon to make a new effort to resolve the impasse.

00:06:34

He would ask.

00:06:35

Senator John Stennis, a man of impeccable reputation for truthfulness and integrity.

00:06:40

To listen to the tapes and verify the completeness and accuracy of a record of all pertinent portion.

00:06:48

This record would then be available to the grand jury and.

00:06:50

For any other purpose for which it was needed.

00:06:54

Believing, however, that only the issue of his own involvement justified any breach of the principle of confidentiality and wishing to avoid continuing litigation.

00:07:05

He made it a condition of the offer to provide a verified record of the subpoenaed tapes that access to any other tapes or records would be barred.

00:07:16

I regarded the proposal to rely on Senator Stennis for a verified record for the sake of brevity, I will call it this tennis proposal as reasonable, but I did not think it should be tied to

the foreclosure of the right of the special prosecutor to invoke judicial process in future situations.

00:07:35

Accordingly, I outlined this Denny's proposal to Mr. Cox later on Monday afternoon, and proposed that the question of other tapes and documents be deferred.

00:07:45

Mr. Cox and I discussed the Stennis proposal again on Tuesday morning.

00:07:51

On Wednesday afternoon, responding to Mr. Cox's suggestion.

00:07:55

That he could deal more concretely with the proposal if he had it on paper. I sent him the document captioned, a proposal, which he released at his Saturday press conference on the afternoon of the next day, he sent me his comments on the proposal.

00:08:11

Including the requirement that he have assured access to other tapes and.

00:08:18

The president's lawyers regarded Mr. Cox's comments as amounting to a rejection of the Stennis proposal, and there followed the break off of negotiations reflected in the correspondence with Charles Allen Wright released by Mr. Cox.

00:08:34

My position at that time was that Senator Stennis's verified record of the tapes should nevertheless be presented to the District Court for the courts determination of its adequacy to satisfy the subpoenas.

00:08:49

Still leaving other questions to be dealt with as they arose.

00:08:54

That was still my view. When at 8:00 PM Friday evening, the president issued his statement directing Mr. Cox to make no further attempts by judicial process to obtain tapes, notes or Memoranda of presidential conversations.

00:09:14

1/2 hour before this statement was issued, I received a letter from the president instructing me to give Mr. Cox this order. I did not act on the instruction, but instead shortly after noon on Saturday, sent the President a letter restating my position. You have, I believe.

00:09:33

Copies both of the president's letter.

00:09:36

And of my reply.

00:09:39

The president, however, decided to.

00:09:42

Hold fast to the position, he had announced the night before, when, therefore, Mr. Cox rejected that position and gave his objections to the Stennis proposal, as well as his reasons for insisting on assured access to other tapes and memoranda.

00:10:02

The issue of presidential authority versus the independence and public accountability of the special prosecutor was squarely joint.

00:10:14

The president at that point.

00:10:17

Though he had no choice.

00:10:19

But to direct the attorney general to discharge Mr. Cox.

00:10:23

And I given my role in guaranteeing the independence of the special prosecutor.

00:10:29

As well as my belief in the public interest embodied in that role felt equally clear that I could not discharge him.



00:10:38

And so I resigned.

00:10:41

At stake in the final analysis is the very integrity of the governmental processes.

00:10:47

I came to the Department of Justice to help restore.

00:10:51

My own single most important commitment to this objective.

00:10:56

With my commitment to the independence.

00:10:59

Of the special prosecutor.

00:11:02

I could not be faithful to this commitment.

00:11:05

And also acquiesce in the curtailment of his authority.

00:11:09

To say this, however, is not to charge the President with a failure to respect the claims of the investigative process. Given the importance he attached to the principle of presidential confidentiality.

00:11:21

He believed that his willingness to allow Senator Stennis to verify the subpoenaed tapes fully met these claims.

00:11:30

The rest is for the American people to judge.

00:11:34

On the fairness.

00:11:36

With which you do so.

00:11:38

May well rest.

00:11:40

The future well-being and security of our beloved country and now in conclusion.

00:11:48

I would like to say just a word of.

00:11:52

Thanks.

00:11:54

And respect.

00:11:57

To my former colleagues in the.

00:11:58

Department of Justice.

00:12:02

This is a great department.

00:12:05

Devoted to great ends.

00:12:10

You have served it and I know you will continue to serve it with integrity, with loyalty and with high professional competence.

00:12:22

It has been one of the great joys of my life, even though briefly.

00:12:28

To have served with you.

00:12:31

And to have known you.

00:12:34

And I hope that.

00:12:37

At least.

00:12:38

For many of you, there will be an opportunity for us to.

00:12:43

Get together again from time to time.

00:12:47

Mr. Stewart has.

00:12:48

The first question.

00:12:51

Mr. Attorney general, your statement suggests that it was rather late in the drama that the president concluded he would have to fire Mr. Cox.

00:13:00

What do you say to those who take a different view, who say that there was a long campaign to get rid of Mr. Cox, and specifically what you say to those who suggested attempts were directly or indirectly made to use you as an agent to that end?

00:13:16

I would say to that that the.

00:13:20

Firing of Mr. Cox came as the kind of climax to the sequence I've described. I'm not in a position, of course, to to know.

00:13:33

What the motives of others were? I can only say that the.

00:13:38

Initial suggestion.

00:13:41

Of a move toward firing, Cox came in the context of an effort to break the constitutional impasse.

00:13:51

And of course, one way to do that.

00:13:55

Would by firing Mr. Cox have been made, have been to make the constitutional issues move.

00:14:05

This.

00:14:05

Mr. Attorney General, did you? Mr. Former attorney general? Did you conclude and or suspect as reported this morning that there were attempts by the President or presidential aides to limit the Cox investigation through you?

00:14:19

No, there were, of course continuing concerns on the part of.

00:14:27

Presidents Council, particularly with respect to issues of jurisdiction.

00:14:32

And oh, I had started out.

00:14:35

Right after my confirmation with a totally hands off position.

00:14:41

One essentially of no communication either with Mr. Cox or with the Council for the President, the role I'd had in the drafting of his Charter.

00:14:51

Made it appropriate for me. I thought to try to serve as a means of reconciling differences over the question of what fell within Mr. Cox's jurisdiction. This was a continuing problem, and it was the subject of a good deal of communication, but there was a recognition, always that.

00:15:11

Wherever a lead pointing toward possible criminal conduct exists.

00:15:18

It would be somebody's responsibility to pursue that lead and if it were not Mr. Cox's then of course it would have been the responsibility of the criminal division. It's less a boss.

00:15:27

Mr. Richardson, are we not back to square one in which an administration is in the position of investigating itself? And is that a credible position?

00:15:37

I can only say to.

00:15:38

That first of all that.

00:15:41

I do believe and that the role of a special prosecutor with the independence that was given to Mr. Cox is an important guarantee of the integrity of any investigation.

00:15:54

And as you remember, I had announced even before my own confirmation hearing began, that I would, if confirmed, appoint a special prosecutor the same time. However, I think it's important also to reaffirm my own confidence in the complete integrity of Henry.

00:16:14

Peter.

00:16:15

And I know that whatever he does and whatever is done under his direction, supervision will be done right.

00:16:24

Right.

00:16:25

Sir, you've made it clear that you did not agree with the so-called compromise proposal of the White House, at least to the extent that you didn't feel the prosecutor should give up his right to pursue in the judicial process other tapes and memoranda. Do you still feel that way? And you think that the Watergate prosecution should go ahead in court?

00:16:44

Yes, I think that the next step should be the judicial determination of the acceptability of the what I referred to in my proposal as the verified record. That is a a transcript put into the third person.

00:17:01

With eliminations only of things having nothing to.

00:17:04

Do with Watergate.

00:17:06

And with the paraphrases only where the language used in the course of conversation would in itself have been embarrassing, or where there were references to.

00:17:19

Matters of.

00:17:21

Potential genuine harm to the national security if released.

00:17:27

Jamal and hope.

00:17:28

Do you have any conversations with President Nixon relative to the importance of the independence of the special prosecutor, either prior to your hiring or afterwards?

00:17:42

I had only one conversation with.

00:17:45

Mr. Nixon directly about the role of a special prosecutor, and that was at the time when.

00:17:52

He initially asked me if I would be willing to be nominated as Attorney General, and at that time he said, in effect, when he said the next day in a public statement that he would.

00:18:06

Commit to.

00:18:07

My determination, the question whether or not a special prosecutor would, would, would be needed. He also affirmed at that time the determination that whoever was responsible for the investigation would pursue it.

00:18:26

Fully, fearlessly, wherever it might lead.

00:18:29

That he reneged on that particular promise to you.

00:18:35

As he said in his own public statement, and as he said in his letter to me, which you now have.

00:18:45

He had.

00:18:47

Concededly intruded upon the degree of independence that had originally been attached to the role of the Attorney general and the special prosecutor.

00:18:58

Did he say it was there was the intrusion? Was there any specific thing that Mister Cox did? Any specific evidence that he wanted, for example, the vibe Raposa material that you had an indication was over the line as far as the?

00:19:15

President is concerned.

00:19:16

No, there was no such specific thing. The there were, as I said, continuing.

00:19:23

Arguments over the issue of jurisdiction and access to particular notes, memoranda, documents, and so on. These were the subject of considerable conversation between Mr. Cox and Mr. Bizard. Has, Mr. Cox said on Saturday.

00:19:43

Yes.

00:19:47

General in the matter of those documents, the agreement seems to cover only the takes special prosecutor and the Watergate committee are after further documents. Do you think that they will now be denied access to it under this agreement as its operative?

00:20:05

The White House.

00:20:07

Of course, the question now is how the issue is going to be raised and by.

00:20:12

Whom?

00:20:13

My assumption is that in one way or another, through the judicial process.

00:20:20



The issue will get raised and of course the question of what is required for the integrity of these investigations and prosecutions is now, at least for the time being, a matter resting under the jurisdiction of the acting Attorney general and Mr. Peter.

00:20:40

Richland there have been reports that the the President would like to find still another role for you in his administration. Have you had any such offers and what would be your reaction to them?

00:20:41

And.

00:20:50

No, I haven't had any such offers. I can only say that as to my future, I look forward to a considerable period to.

00:21:04

Think back over a lot of things, perhaps to get some reflections on paper.

00:21:11

This is, after all, they first time I've been out of a job since Bobby Kennedy fired.

00:21:16

Me.

00:21:19

Write a book.

00:21:23

When Mr. Nixon issued the order for you to fire Mr. Cox, was he aware that that would force you to resign?

00:21:30

Or was the.

00:21:31

President to fry.

00:21:33

The question of what I would do.

00:21:38

Was, I think unclear from his perspective up to the point on Saturday afternoon when I came to see.

00:21:46

Him.

00:21:48

There have been issues drawn earlier in the week.

00:21:52

In which I had made clear that.

00:21:55

If certain action were taken, I would be forced to resign.

00:21:59

The question, of course, was finally precipitated.

00:22:04

And by the direction.

00:22:07

To fire him, or by the understanding that I would be so directed.

00:22:11

And that, of course, did not come until after Mr. Cox's press conference.

00:22:20

Mr. Richardson. Mr. Richardson. Excuse me. Did you at anytime during the course of these discussions as to Mr. Cox's the extent of his authority, did you at any time divert him or try to divert him from any phase of the investigation that he was conducted?

00:22:32

Hello.

00:22:37

No. Although I did participate in discussions of jurisdictional issues with him along the lines that I have touched on earlier. But there was certainly never any question of hitting off an investigation question as I said was one of.

00:22:53

Mr. Richardson.

00:22:56

Of whose job it would be.

00:22:59

Yeah.

00:23:00

Mr. Richardson, when you were first confirmed as Attorney general, you said your chief aim was to restore public confidence in the Justice Department in Government. How do you believe the developments of the past weekend, in particular the president's open defiance of the courts, will affect public confidence in government?

00:23:19

I think that we need to let some time pass and.

00:23:26

Developments unfold before we try to render a verdict. The President has not yet.

00:23:33

Defied any court order.

00:23:36

And I trust that a situation in which he is placed in that position never arises. Indeed, I have no reason to believe that he.

00:23:45

Would defy a court order.

00:23:49

Yeah.

00:23:50

Mr. Richardson, do you believe the President should be impeached?

00:23:55

The question of.

00:23:57

Any ultimate judgment?

00:24:00

To be made on these facts is, in my view, a question for the American people.

00:24:06

I have been part of Mitchell Nixon's administration from the beginning. As I've said, I.

00:24:15

Believe in the.

00:24:17

Objectives and priorities of the administration I regard.

00:24:24

Particularly.

00:24:26

As important, the role of the.

00:24:30

President of the United States President Richard Nixon, in dealing with international problems.

00:24:38

We've had.

00:24:39

A very recent illustration.

00:24:43

Of the skill.

00:24:48

And the firmness with which he has dealt with that kind of crisis. And so I do not believe that, that I.

00:25:00

And the person based on the record of these events, who should try to pass judgment on them, Mr. Lewis.

00:25:09

You said that the President is not in defiance of any court order as yet, which is technically correct. Would you?

00:25:17

Think that that it was, yes.

00:25:18

Right.

00:25:20

A good lesson for the American people for a party to a lawsuit to allow an order of support to become final and then unilaterally to announce a quote, settlement, UN quote, and then to negotiate with the lower courts about whether that is precise.

00:25:36

But I think that the question of.

00:25:40

First, taking this in steps, deciding not to challenge a court order and then proposing a way of dealing with it.

00:25:50

Is, it seems to me a perfectly legitimate approach. The real question is.

00:25:56

What happens then? Once the proposal for dealing with it as a means of compliance or intended compliance is then dealt with?

00:26:08

And we I think are not going to be in a situation where.

00:26:13

Defiance of an order is in issue until after the court has passed on the acceptability of the proposal, yes.

00:26:20

Well, do you have an opinion as to the adequacy of the Stennis document, whatever that becomes for criminal prosecutorial purposes and a trial? And if you have an opinion?

00:26:31

What is it?

00:26:32

Well, I think it needs to be emphasized that.

00:26:36

That the question in the first instance is one for a judge to determine in the light of the the way in which the.

00:26:46

The record was prepared and all the other circumstances surrounding it.

00:26:51

It seemed to.

00:26:52

Me that at least for grand jury purposes.

00:26:56

The verified record, prepared by Senator Stennis ought to serve next question, then is may it be used in evidence as an alternative to the original tapes, or to a verbatim transcript of the tapes? My thought there was that.

00:27:16

This question should also be presented to the Court in the first instance if.

00:27:19

The court would.

00:27:20

Rule.

00:27:20

On it, well and good. If not, then it would have to be dealt with at the next stage.

00:27:27

Didn't I express that in?

00:27:29

Opinion if you want to restate your question.

00:27:34

I I told you my view and it is spelled out in the letter which you have, which is, as a matter of fact, Mr. Cox, in his comments on the.

00:27:45

Proposal remark that this was among he thought its good features, namely an approach to the court which would seek to persuade the court that it would serve.

00:28:00

General, how would you have acted and caught his shoes then? Would you have done the same thing? He would have done?

00:28:05

Or something different. I would have done.

00:28:07

What he has done.

00:28:09

Do you think without meaning to malign Mr. Peters's integrity? Do you think it's all possible that he or anybody in the Justice Department can now carry on fully independent investigation of Watergate? Or do you think maybe it should be done by conference?

00:28:13

So.

00:28:22

I think the situation is is fraught with, with great difficulty for him.

00:28:28

And I think that whoever is attorney general and Mr. Peterson would both.

00:28:37

Be in a better position if a new special prosecutor were appointed.

00:28:43

Mr. Richardson, Mr. Richardson, do you agree with?

00:28:46

Richard, can you leave the one possible interpretation of your remarks? The tone of them and your warm attitude towards the president in the White House.

00:28:55

Is that you were placed temporarily in a tactically untenable position, perhaps on a minor matter, in the larger scheme of things, the administration's record and so forth. Is this a correct interpretation of?

00:29:07

What you're trying to?

00:29:08

Say. Well, of course you are. You are.

00:29:11

Speaking in in judgmental terms.

00:29:15

I've tried to set out as clearly as I can.

00:29:19

But my role was what my position is.

00:29:22



The reasons why I believe that I should resign. I was a participant in the creation of the role of the special prosecutor. I believe that a special prosecutor was.

00:29:35

Necessary and that?

00:29:37

He had to act in a position of full authority and complete.

00:29:41

Independence. This, of course, was a central subject of.

00:29:46

The hearings on my own confirmation.

00:29:50

I believe that the pursuit of the investigations that were being conducted by Mr. Cox should be continued to be pursued by someone who was eventually in the same kind of position of independence.

00:30:09

Problem of the administration investigating itself, which special prosecutor be better in the Congress or?

00:30:16

Under the aegis of the court or something like that, rather than in the executive.

00:30:21

I think that the.

00:30:22

Charter that was established for Mr. Cox.

00:30:26

Did give him and I think his conduct of his office establishes that it is possible for a special prosecutor with that kind of charter to act with full independence and total integrity, and I think the manner in which he has acted proves this, yes.

00:30:45

Ah.

00:30:47

Mr. Cox made made clear that as special investigator he wasn't getting access to any of the White House information. He could even get an inventory of White House documents, and he raised the possibility that this would hinder or even block prosecution of Mr. Haltom and Mr. Erlichman. All those former White House people.

00:31:07

And of course, you specifically objected in the president's compromise to the order to Cox to cease seeking these documents. Do you think the President is trying to protect these former top White House officials?

00:31:23

Let me deal first with the the point you made about refusal of papers actually, of course.

00:31:31

A great many papers were turned over to Mr. Cox, including by the White House, including all the ITT papers, for example, and there was still under negotiation access to papers that had not yet been turned over at the time he was discharged.

00:31:51

I don't think that the failures to turn over papers in any given case can be attributed to any new cover up of anybody in the White House.

00:32:04

In your conversations with the President, did you ever.

00:32:07

Say as you said today that the question really was the very integrity of the governmental processes that you came to restore. Further, did you presume to advise him on the political consequences, including perhaps impeachment?

00:32:20

And finally, if you felt so strong about it, I'm not really clear why you didn't refuse the order and asked to be fired in effect, but rather in effect sidestepped the crisis and resigned in advance.

00:32:35

Well, I'm not sure what the.

00:32:39

The implications of moving one way or the other were, it seemed to me that that.

00:32:45

A crisis had been reached, at least.

00:32:48

So far as my own situation was concerned now.

00:32:52

Refused the order and take the consequences.

00:32:54

Well, I thought I might.

00:32:55

Have done it that way the.

00:32:59

The way I did do it was to ask to see the President in order to inform him that I would resign as soon as I heard that he intended to issue such an order.

00:33:11

My original question, did you say, Mr. President, what's at stake here is the integrity of governmental process that I came to stand for.

00:33:18

This was a part of what I had been saying all week in meetings at the White House with respect to the handling of this situation as a whole.

00:33:32

And it was certainly a part of.

00:33:33

Well.

00:33:34

What I said to him.

00:33:36

At our final meeting.

00:33:39

Good.

00:33:42

Going back to your first answer on whether the White House told you to fire Mr. Cox, are you? Are you saying that on Monday or Tuesday of last week you were not told by a White House to to fire Mr.

00:33:57

Cox, yes, I am saying I was not told to fire him on Monday or Tuesday of last week. They only mention of firing Mr. Cox.

00:34:08

Beginning of the week was in the context of one way of moving the case, and thereby in effect, resolving the constitutional impact.

00:34:21

Mr. Richardson, the White House seems to say that Nixon did what he did as a bold and courageous step to spare the nation some agony and anguish. And some people might say that. But he did cause some agony and anguish when you talked to him. Did you admonish him as to what?

00:34:40

The public reaction would be, and how did he respond? And?

00:34:46

Do you think he perceived the impact of what he was doing? And finally, what did you judge his state of mind to be? The the president was very deliberate, very restrained in tone.

00:35:02

Hey.

00:35:05

In my meeting with him, but he was absolutely firm on the course he had determined upon my own efforts to convey what I thought were the likely consequences had had already been communicated to him and had.

00:35:23

I understood been fully taken into account, yes.

00:35:27

Mr. Richardson, you say you see no evidence of a new.

00:35:30

Cover up here.

00:35:32

What do you think is going on? If it's not a cover up?

00:35:36

Well, I I can only say that.

00:35:40

You have here a situation in which.

00:35:42

The President and I know nothing.

00:35:46

To call this into question.

00:35:49

I.

00:35:50

Believe that the principle of the confidentiality of communications to the President was fundamentally important.

00:36:00

He had gone to the lengths of.

00:36:03

Asking his counsel to take the position in arguments before the District Court of the District of Columbia, as well as the.

00:36:10

Court of Appeals.

00:36:12

That the presidential tape should under no circumstances be made.

00:36:17

Available.

00:36:19

He was weighing the question of whether or not the Court of Appeals decision should be appealed to the Supreme Court of the United States, and then he decided that he would instead.

00:36:33

Make available a an authentic, verified version of the tapes, which I think he believed would fully serve the purposes for which those tapes had been sought in the 1st place, and I think he felt that a refusal by the special prosecutor.

00:36:53

To accept that proposal.

00:36:58

Was from his perspective, unreasonable.

00:37:02

And that if he couldn't accomplish this.

00:37:07

If you couldn't get the whole situation wrapped up.

00:37:11

By that move.

00:37:13

Then, as the press special prosecutor persisted as of course he did in seeking other tapes and documents and questioned the adequacy of the verified record itself then.

00:37:27

He felt that his only cause was to discharge.

00:37:32

Him.

00:37:33

The White House sources have said that the president was confident that the Supreme Court would uphold his position. Are you aware of that confidence and it's if it's true, why didn't he wait for the Supreme Court to act?

00:37:48

His lawyers.

00:37:50

Told him. Certainly I think from the in the beginning that.

00:37:54

That his chances were good.

00:37:58

I understood them to tell him that.

00:37:59

They were better than even.

00:38:02

Heads of.

00:38:04

Thursday of this week.

00:38:06

Mr. Charles Allen Wright told me he thought that the president had a 5050 chance of winning in the Supreme Court of the United States.

00:38:14

The reason I think why it was decided to proceed in this way is the one I've given that he felt that this was a way of of.

00:38:24

Providing a record which his lawyers believed would be acceptable in the lower court and therefore in effect make unnecessary any further litigation resting on a refusal to provide any version of the tapes whatsoever.

00:38:43

Consider that all the possibility of returning to Massachusetts to run.

00:38:46

For public office.

00:38:47

I really haven't thought about anything except, as I said, taking some time off and perhaps.

00:38:54

Trying to compose my thoughts and perhaps put down some of them on.

00:39:00

Paper yes.

00:39:02

And the president's supporters, some of them. I'm just thinking of Senator Gurney and other Republicans say that rather than a proper investigation, the special prosecutor was pursuing a witch hunt whose objective was to get Richard Nixon. And they cite the fact that although the investigation has caught.

00:39:18

To be a limited.

00:39:20

To go on for a period of months, the Cox people were preparing to stay for three or four years. Do you think that there was any of the witch hunt to this investigation and was the proper investigation? Was its object to get Richard Nixon?



00:39:32

No, I do not believe that its object was to get Mr. Richard Nixon. I believe that Mister Cox was giving a a very fair and.

00:39:40

Handed picture of his own approach to it in his press conference on Saturday. The picture you got of Mr. Cox in that press conference was wholly consistent with everything he ever said to me.

00:39:54

I believe that he was exercising a very difficult responsibility.

00:39:59

With conscientiousness?

00:40:02

With a real effort to be fair.

00:40:05

And yet, with firm determination to do what he had been asked to do, which was to.

00:40:11

Pursue any evidence of wrongdoing or any indication of wrongdoing wherever it might lead needs to be emphasized.

00:40:19

As that I often found it necessary to do.

00:40:25

That the fact that a lead is being pursued does not mean.

00:40:31

And that evidence sufficient to obtain an indictment will be found much less evidence on which a a jury would render a verdict of guilty.

00:40:42

The hardest job Mr. Cox had, and this I emphasized to each of the people whom I talked to about becoming special prosecutor back in May. The hardest job he would have.

00:40:57

Would be to determine when the evidence was not sufficient to go forward. It's always easier for a prosecutor to indict them not to indict, and Mr. Cox was going to be in the position ultimately of having his own conduct of his investigatory authority judged by somebody else.

00:41:18

I mentioned to him as I had to, to the others that perhaps they would want themselves when they came to.

00:41:26

The conclusion of their investigation to have the Congress appoint a post audit group who could go back over what was done in order to make sure that there had been no failures to pursue evidence.

00:41:43

Would you agree or disagree with the conclusions?

00:41:47

Of Mr. Cox before the appeals courts that a prima facie case had been constructed, the President was involved in criminal obstruction of justice and that the burden of proof was in essence on his side.

00:42:02

To produce the tapes.

00:42:04

I would I would have interpreted what he said is that prime and fish is showing that there was a need to inquire further, which in turn made the tapes.

00:42:14

Relevant, right?

00:42:16

Mr. Richardson, you've avoided characterizing the President in what you call judgmental terms, but it seems that he's broken his word to you, at least in his letter, he said he intruded upon a promise. I'm interested from your background and having dealt with all kinds of people in Massachusetts, what's your personal reaction?

00:42:36

To that, politicians break their word too very often. And how do you feel about the president?

00:42:44

The answer to the first thread is no.

00:42:47

But I I recognized and recognized.

00:42:53

That the president.

00:42:56

Can at anytime and must have the authority at anytime to to revise the terms on which.

00:43:05

He has appointed somebody to his administration.

00:43:09

And if the individual so appointed believes that the revision of his own understanding on which he took the job has been changed too much for him and able to enable him to do it, because then he ought to get out. But I don't think the President should be precluded for the entire future from.

00:43:28

Changing any understanding on which he appoints somebody who serves, after all, at the pleasure of the President.

00:43:36

Would you explain how firing packs moved the case along?

00:43:42

OK.

00:43:43

With what?

00:43:44

You said earlier that moving the firing costs would have been discussed in the context of one way of moving the case along.

00:43:52

So I think it would.

00:43:53

Moot.

00:43:54

The case that is that it would make the IT it would eliminate the question.

00:44:03

Yeah.

00:44:05

Your own view.

00:44:06

To the effectivity of accidents to the White House documents and other takes in.

00:44:11

Order for there to be.

00:44:12

A thorough and independent investigation.

00:44:15

I thought that as to the.

00:44:19

Notes by people who are present.

00:44:24

During conversations that were the subject of tapes that if a full and accurate record of what was on the tapes.

00:44:33

Was made available.

00:44:34

And that this made it unnecessary also to have access to those notes. At least I thought this was a reasonable position to urge upon the District Court.

00:44:44

And asking it to accept the verified record of the tapes and not to pursue further.

00:44:53

The subpoenas of other records as to future situations. My view was that they had to be dealt with as they rose.

00:45:02

Yeah.

00:45:03

You didn't make clear earlier whether or not the \$100,000 that remained for over three years was one of the problems.

00:45:12

House had in mind, would you comment on that and also comment on the reports that the White House was also concerned about records that were kept by his personal second secretary.

00:45:21

Was mayor would.

00:45:22

On the the \$100,000, this was never a problem that became an issue of Mr. Cox's.

00:45:32

The there had been a.

00:45:36

A very thorough investigation of this or so I'm told by the Internal Revenue Service and I think the the question of whether or not Mr. Cox said had and interested it in what he would do about.

00:45:48

It.

00:45:49

Had only just recently developed and I never got into the question of whether or not he had jurisdiction over this or what he would do about it.

00:45:59

On the matter of.

00:46:01

President Secretary Rosemary woods.

00:46:04

This was a situation actually quite simply resolved. It arose because in the Vesco case in New York.

00:46:15

Certain lists of political.

00:46:18

Campaign contributors.

00:46:21

Which were delivered to.

00:46:24

This woods were needed in the course of the.

00:46:28

Upcoming trial.

00:46:31

And.

00:46:32

The United States Attorney in New York wanted to talk with her.

00:46:38

In order to get from her whatever information you could give about receiving the lists, and this has been arranged and an assistant United States Attorney, well, talk with her. Mr. Mr. Cohen.

00:46:51

We now find ourselves in a situation in which the White House will go into court some time this week to argue that the President has complied with the appeals court order.

00:47:01

You've indicated that if you weren't Mr. Cox's shoes, you would have done what?

00:47:05

He had done.

00:47:06

Is it your hope that the Justice Department, which is now prosecuting the Watergate case, will go into court and oppose the White House and argue that the tapes are relevant and must be delivered to judge Sirica?

00:47:19

You'll have to ask.

00:47:22

The acting attorney general or Mr. Peterson.

00:47:24

What they plan to do, I don't know yet.

00:47:27

Mr. Richardson doesn't the the fact that the White House has refused to release any of these documents mean that any convictions in the Watergate or other cases are subject to almost certain reversal?

00:47:40

This, of course, is essentially the same question I was asked earlier to give an opinion on. I think the what I said in substance is that you have to cross that bridge when you get to it depends in the first instance on whether or not.

00:47:58

There can be achieved acceptance of the adequacy of the verified record. You have to keep in view that the that there is involved as the Court of Appeals said.

00:48:11

Some subordination of the privilege of confidentiality in making the tapes.

00:48:18

Available at all.

00:48:20

And the court said, in effect that that this should be done, but only on a showing of compelling necessity now.

00:48:27

The question would be for the court. Does the defendant really have to have the original tapes? Why?

00:48:34

Isn't the verified record sufficient for purposes of the defendant as well As for purposes of the prosecution, that would be the issue and I don't know how.

00:48:45

That will be resolved.

00:48:49

If I can go back for a minute to this discussion about the firing of Mr. Cox, you said that on Monday or Tuesday you were not ordered to fire Mr. Cox, but that at.

00:48:59

This time, before he had violated any presidential order before the order had been given, that there were discussions about the firing of Mr. Cox, who was discussing this with you, was the.

00:49:11



White House, Mr.

00:49:12

General Hague, the president, were they discussing it on the basis of their firing Mr. Cox to get rid of this?

00:49:19

Entire problem back before the ordinate given.

00:49:22

Or what it was discussed with the.

00:49:27

Members of the president's staff and Council, and but only as a way of dealing with the problem. I might add that I made clear that I thought it was a totally unacceptable way of dealing with it.

00:49:42

You said earlier you had complete confidence and the ability of the Justice Department. Your success is to carry on the investigation as a private citizen. Now do you share any apprehension which has been voiced at the land that the locking up of these offices, the files from the Mr. Cox's employees and the justice employees?

00:50:00

Based on what has happened in this country and revealed has happened in the past few months, does this bode?

00:50:06

Ill does this give you any doubts? This investigation will continue.

00:50:11

I don't have any.

00:50:12

Doubts that the investigation will continue. My understanding is that Mister Peterson and his staff, including many of those who were part of the Watergate Special Prosecution Force.

00:50:24

We'll pick up where Mr. Cox left off, and of course those who continue will be doing what they've been doing before. They do have full access to those files now.

00:50:36

My the problem really is not in my view.

00:50:40

The problem of the real integrity or the courage or the determination of Mr. Peterson and those working with him to do this job, the problem is one of public perception and public confidence. And of course, these were the reasons why in the 1st place, I believe that this special prosecutor.

00:51:00

Should be appointed, and I certainly I think that those problems remain and therefore point again to the.

00:51:06

Same result, yes.

00:51:08

In terms of that public perception, you said that there's nothing wrong with nothing illegal about a person deciding not to appeal an unfavorable.

00:51:16

Ruling and nothing wrong with trying to strike the compromise and yet, of course, the President went one step further and effectively destroying his challenger by firing him and polishing his office. Don't you think in terms of the public's perception that the president might be guilty, if not legally, then morally, of an obstruction of justice?

00:51:32

I think that they they need here to be made one further point.

00:51:37

Which is that the.

00:51:41

What were an issue were subpoenas of the court.

00:51:46

Which had been.

00:51:48

Issued on behalf of the grand jury and.

00:51:55

That means, therefore, that the the question of the adequacy of the verified record.

00:52:04

By the Stennis proposal, so-called is now for the court itself, but of course you are right that that, unless.

00:52:12

The Criminal Division now.

00:52:14

Ticks up with.

00:52:16

The position that Mister Cox had that the the issue will not be as fully bleached and argued as it would otherwise have been if the peace.

00:52:28

Mr. Richardson, in the broader sense of this whole.

00:52:28

So.

00:52:32

Issue the President agreed to turn over.

00:52:36

His tapes for verification to John's Dennis, who is a member of Congress.

00:52:41

Who has been a partisan of the presidents in the past.

00:52:45

I think it is traditional in our system that a senator is an embodiment of the Senate.

00:52:52

What is the difference in your view between turning these tapes over to a member of the Senate and to a Select Committee authorized by the Senate, and to a prosecutor authorized by agreement with the Senate? Are we not getting to the point where we split here so finely that we appear ridiculous?

00:53:15

This is Dennis was being asked as an individual of.

00:53:22

Firmly established reputation for integrity, integrity and truthfulness. To listen to the tapes.

00:53:27

And to make.

00:53:27

The record, the only reason for approaching senators tennis for this purpose was that he did have so firmly and does have so firmly established a reputation.

00:53:41

The integrity.

00:53:42

I will personally believe, and I think everybody who knows, senators tennis would would agree that he would rather have his toenails pulled out one by one than swear to anything that he thought was in this lightest degree, untruthful. And he was being asked to swear to the.

00:54:01

Adequacy, completeness and truthfulness of the record he was being asked to prepare.

00:54:08

Here, Mr. Kelly, you suggested that your successors would do well to to appoint another special prosecutor. Wouldn't that get you right back into the same box that caused all the problems last weekend?

00:54:09

Hi.

00:54:21

Well, of course, in a way it would. And.

00:54:23

Yet I think that.

00:54:27

To fair characterization of where we are now that this week's boxes, deeper and bigger than last week's box and.

00:54:38

We'd be better off to get back to the.

00:54:39

First one.

00:54:42

Yeah.

00:54:42

In the White House, the White House has taken great pains to remind all of this, that there are three Co equal branches of government. Would it ever be proper for a constitutional president to disobey a lawful court order? And if a president did so, would that, in your estimation?

00:54:58

An impeachable offense?

00:55:00

You put it in an extremely abstract speculative form.

00:55:04

I wouldn't want to say that you could never have an order that a president might not obey or could justifiably refused to obey.

00:55:14

I can only say that in the kind of situation we're dealing with here, any possible order directed toward the President that could come out of any of the things we've been talking about, I think the President.

00:55:27

Should obey it. I believe he would obey it. And so I don't reach the question of impeachment on that by that really.

00:55:35

General, you're extolling Senator Stennis's integrity.

00:55:40

Don't Mr. Scott and Judge Sarika and the members of the Senate investigating Committee have the same integrity. I don't quite understand the.

00:55:48

The the Senate committee was prepared and as far as I know, it's prepared to to take the record prepared by.

00:55:57

Senators tennis there are only problem as I understood it arose there was some misunderstanding as.

00:56:03

The extent to which the.

00:56:05

The record would be debated record.

00:56:07

My understanding proposal and the way I presented to Mr. Cox was that it would be a verbatim record, except one that it would leave out things having nothing at all to do with the subject of the investigation and that in certain instances where problems of National Defense or foreign policy, whose disclosure?

00:56:27

Doing real harm or involved that that he would be empowered to paraphrase or to admit, provided, however, that the sense and the emphasis were clearly preserved. He could also do the same with with language whose literal use in its original form.

00:56:47

Could be embarrassing with a matter of taste.

00:56:50

But those were the only variants.

00:56:53

From a verbatim transcript.

00:56:56

That were contemplated. Aside from the fact that instead of using eyes.

00:57:01

And it would would be written in the third person.

00:57:08

Yesterday, can you tell us that the President asked you to say something here today or not to say something here today?

00:57:15

No.

00:57:16

We did not. We did talk about this press conference. We did talk about what what I believed and he agreed.

00:57:24

Is the importance of a full and honest account of of all that took place up to the point of my resignation yes look.

00:57:33

Can you tell?

00:57:35

We've spoken very warmly today of the job that Mister Cox was doing before his dismissed. Are you in any doubt that anyone of equal or approximately equal ability and that?

00:57:44

Patient would evidence would inevitably come up against the same roadblocks, the same unwillingness to turn over lives the same resistance to demands that states the same uneasiness which you've, I think probably described here as a discussion of the possibility of firing Mr. Cox and moving the case the same uneasiness.

00:58:05

As investigations approached the point of successful prosecution.

00:58:10

Well, I think anybody who was approached on this would certainly have to begin by negotiating not only with the Attorney general but with.

00:58:20

At least, if not with the President himself, counsel for the President.

00:58:25

Mr. Richardson, why do you? Could you explain to us why you think the President will permit Mr. Peterson to pursue a course that he would not permit Mr. Cox to pursue? I don't quite get that.

00:58:39

I was asked earlier if I believe that.

00:58:43

There was any?

00:58:43

Element of of partisanship.

00:58:46

In the.

00:58:49

Way in which Mr. Cox pursued the investigation. I do not believe there was.



00:58:58

I believe that I said earlier that the sense that.

00:59:02

Viewers had of Mr. Cox's approach.

00:59:04

To his job.

00:59:07

That he gave in his press conference on Saturday.

00:59:12

Was true, sincere and genuine.

00:59:17

On the other hand, there there was and is a lot of feeling on the part of many people.

00:59:21

No.

00:59:22

In the Republican Party and on the Hill, as well as among some members of the president's staff.

00:59:29

That there was a get the president element in this.

00:59:34

That the investigative.

00:59:37

Staff itself.

00:59:39

Was heavily aligned.

00:59:42

In a democratic direction.

00:59:45

And that there there were likely to be results which were tips.

00:59:54

And bipartisanship. And while, as I say.

00:59:58

I did not believe this and do not believe it.

01:00:02

And while I repeatedly had occasion to reaffirm my confidence in the integrity and and impartiality of Mr. Cox.

01:00:13

Nevertheless, this was a continuing problem and I'm sure that in the case of Mr. Pete.

01:00:20

The President and his staff do not believe that there there would be any partisanship of any kind either way, yes.

01:00:29

Does that add?

01:00:30

Up to what you just said to an extraordinary impropriety on the part of Mr. Cox, which was the agreement that you reached with the.

01:00:39

The Senate Judiciary Committee said that Mister Cox can only be removed for reasons of extraordinary improprieties. With that feeling you described is that.

01:00:49

Of course, the the extraordinary, the the reserve power to fire Mr. Cox for extraordinary impropriety was a power reserved to the attorney.

01:00:58

I certainly did not believe that Mister Cox was guilty of anything approaching an extraordinary impropriety and.

01:01:07

The President, in fact, didn't purport to fire him or to have Mr. Bork do it. On that basis. It was done because Mr. Cox had firmly declared his intention.

01:01:21

To disregard.

01:01:24

The direct orders of the president.

01:01:26

Mr. General, are you saying that that that you believe that Mister Peterson or some other special prosecutor might have better luck at getting to the tapes that.

01:01:33

Mr. Cox did.

01:01:35

Possibly yes.

01:01:36

Can you tell us, Mr. Richardson, on what day of last week which employee of the White House suggested that the way to resolve the dispute between Mr. Cox and the President?

01:01:47

Was by firing Mr. Cox and whether any other such suggestion had ever been made previously by any official of the White House or representative of the.

01:01:58

I don't think this is.

01:01:59

A possibility that can be.

01:02:02

Attributed to any one person indeed.

01:02:04

It had been suggested, at least.

01:02:07

In theory by Professor Alex Dickel of the Yale Law School. Thank you. Thank you.

01:02:14

Mr. Richard.

01:02:20

Thank you.

01:02:28

And so we've heard from.

01:02:34

I'm sorry, we've heard from the former attorney General, Elliot Richardson.

01:02:38

And says it's now up to the American people to decide if President Nixon was right to fire Archibald Cox. Mr. Richardson was asked, should President Nixon be impeached. In his opinion, Mr. Richardson said it was not up to him to pass judgment. It's up to the American people.

01:02:54

Mr. Richardson also was asked if he would accept a new post in the.

01:02:57

Administration.

01:02:58

He said nothing has been offered to him, but he indicated that he would not accept the post if it were indeed offered. He said he wants time to think and perhaps to write. Mr. Richardson was asked what would he have done? Would he have done what Archibald Cox did and Mr. Richardson said yes, he would have done exactly as Archibald Cox.

01:03:13

Did.

01:03:14

Mr. Richardson revealed that he tried to negotiate between the White House and Archibald Cox on this tape compromise he made public 2 letters, one to him from President Nixon, written last Friday, another from him, two President Nixon, written on Saturday in the president's letter, the president ordered told Richardson that he should stop Archibald Cox.

01:03:34

Using the judicial process to obtain tapes, notes and memos in his letter back to President Nixon, Mr. Cox said.

01:03:43

Ordering Cox to stop going to court was not part of the deal as he had been trying to negotiate this compromise. He also said that stopping Cox from trying to obtain notes and willows was not part of the deal either.

01:03:55

Richardson pictured himself as a man caught in the middle between presidential authority and the independence guaranteed independence of the special prosecutor. Now again, he said, it's up to the American people to decide if this presidential decision is proper and correct. There's more going on on Capitol Hill. The house is about to convene up there and for more on that, here is.

01:04:15

NBC News correspondent Gray Sherlock.

01:04:17

OK.

01:04:19

Doug, the house convened 3 minutes ago and it's going to receive some resolutions on impeachment. I have just come from a news conference at Speaker Albert had in which he told how this will be handled.

01:04:28

He said that in his opinion, the President's action Saturday was unfortunate. It seemed to him, to the speaker, to contribute to a divisiveness among the American people at a time when the leadership of the nation should seek unity, he said. For Congress to act in a reckless or hasty manner would further engender disunity.

01:04:45

The speaker said that he didn't think he needed to tell us that resolutions calling for impeachment or the investigation that might possibly lead to charges of impeachment will be introduced to the House. These resolutions will be referred to the Committee on the Judiciary, he said, where he is confident consideration would begin without delay. The nomination of Gerald Ford, he pointed out to us, has already been referred to the Committee on the.

01:05:08

Jury he hoped and believed that the committee and the House would continue to act on the nomination as expeditiously as possible, consistent with its duty to make a thorough investigation. Then he got to the heart of it, he said. The House should not hold the nomination of the Vice President Designate hostage as it considers matters related to impeachment proceedings.

01:05:28

We owe it to the country to consider the Ford.

01:05:30

Matter entirely separate. Now back to Douglas Tiger.

01:05:33

Thank you. And so the House Judiciary Committee will begin inquiries to determine whether or not grounds exist for the impeachment president.

01:05:40

Nixon's White House lawyers will appear before federal judge John Sirica at 2:00 this afternoon to formally present the president's compromise plan on the tapes and to argue that the president has in fact complied with.

01:05:51

The court order.

01:05:53

Judge Sirica met with the two grand juries that are here in the Watergate testimony earlier today and down at the Justice Department is NBC News correspondent.

01:06:00

Carl Stern, who was there who judged Sirica nut with the grandeurs. Carl, what?

01:06:05

Well, Doug first, the judge read to the grand juries a letter from the Court of Appeals notifying the court that the Court of Appeals decision instructing the president to hand over the tapes had not been complied with. Then the judge informed the grand jurors that they remain operative. That was a word he used. You remain operative and intact.

01:06:25

You are still grand jurors. The grand juries still function. You are diligently, fully and completely to inquire into all offenses which will come to your knowledge.

01:06:34

You are not dismissed and will not be dismissed except by this court upon the completion of your work, you can rely on this court to ensure the integrity of these judicial proceedings and so the judge went to some length and obviously with some purpose, to make it clear to the grand jurors that the controversy which is now swirling around us does not in his judgment.

01:06:55

Affect their work and he suggested that he might at some future point and perhaps we'll hear more about it this afternoon, appoint a special counsel to represent the grand jury and to protect its interest in arriving at the truth.

01:07:08

Thank you, Carl.

01:07:10

Tom Brokaw, NBC News White House correspondent, is here in the studio with Tom. There was some speculation that Mister Richardson might defend the president at this press conference, but he didn't exactly do that. But he.

01:07:20

Oh, I think the hope of the White House at least, was that he would take the heat off the talk of impeachment. And I don't think that that's the case at all. I think that it's quite clear that Mister Richardson considers the presidential directive to Cox not to intrude any more more than just a minor intrusion, as the President has described.

01:07:37

Also, Mr. Richardson was quite clear and vigorous in his defense of Archibald Cox as not being a partisan man out to get the president.

01:07:44

And of course.

01:07:44

That's the word the White House would like to have us believe that Cox is highly partisan, so we did not clear.

01:07:49

It all from the White House point of view, the time again, Elliot Richardson had his press conference. Who says it's now up to the American people to decide if Mr. Nixon was right to?

01:07:50

OK.

01:07:57

Archival Cox up to the American people to decide if the president should be impeached. I'm Douglas Keister, NBC News, Washington.

01:08:04

Good afternoon.